

Attorney Docket No: 4111-00300

Patent

REMARKS**Summary of Interview**

This application has been carefully considered in connection with the Examiner's Office Action dated December 21, 2004. Applicant also appreciates the Examiner's time in meeting with Applicant and Counsel on February 16, 2005.

Applicant and Applicant's counsel would like to thank the Examiner for his time and consideration during the in-person interview and demonstration in Alexandria. Applicant demonstrated the use of his invention for the Examiner and the Examiner discussed the Brightman reference and the Jedziniak reference and their teachings as compared with Applicant's invention as claimed and as demonstrated. While no specific agreement on claims was reached, the Examiner did indicate areas of distinction which, if more fully developed in the claims, might independently provide patentability over the current cited prior art. Applicant has endeavored to refine the claims to more clearly and expressly bring out or add the elements suggested by the Examiner as well as otherwise clarify the direction and scope of the claim language.

Claims 1-20 were pending in this application at the time of the Office Action dated December 21, 2004. Claims 1-13 and 15-20 were rejected on various grounds. Claim 14 was objected to and indicated to be allowable if rewritten in independent form.

By the present amendment, the Applicant has amended claims 1, 5-8, 12, and 15-20, has cancelled claims 10 and 11, and has presented new claims 21 and 22.

The Applicant respectfully traverses the rejections, as they would apply to the amended claims. Reconsideration of claims 1-9, and 12-22, as amended, is respectfully requested.

Response to Rejections under Section 102

Claims 1-7, 9, 11, 15 and 19 were rejected under 35 U.S.C. 102(b), second paragraph, as being anticipated by Brightman US 5,417,012. The Applicant disagrees with a number of assertions made by the Examiner concerning the teachings of Brightman and will address these.

The Examiner asserts that Brightman teaches an apparatus 20 for forming a chamber enclosed on five sides adjacent a back surface of an electronic device 10. The element 10 is an

Attorney Docket No: 4111-00300

Patent

inner enclosure that does not have a front or back surface. The inner enclosure 10 is part of an equipment cabinet that includes a “front cover 12, cap 14, rear cover 16, and base 18. Both the front cover 12 and the rear cover 16 consist of a bezel 20 with an attached door 22.” See Brightman at Col. 3, line 66, to Col. 4, line 3. To the extent the completed device could be considered to have a back surface, it would be the back cover 16 itself or the door 22 on the back cover 16. Thus there is no back surface of the device 10 to enclose one of the five sides of the chamber. The apparatus 20 is itself a part of the equipment cabinet. Brightman teaches no additional elements for forming a chamber adjacent a back surface, i.e. adjacent the back cover 16.

The Examiner asserts that the back surface of the device 10 has a height and width. But since the device 10 has no back surface, there can be no height and width of a back surface.

The Examiner asserts that Brightman teaches a one piece cable cover 20 having a horizontal top and vertical sides extending down from the top, the top and sides having front and back edges defining front and back openings of the cover, the front opening having a height and width about equal to the height and width of the electronic device back surface. The structure of the bezel 20 shown in Brightman clearly comprises multiple parts, i.e. is not one piece. The bezel 20 is only one part of the front or back cover, each of which includes a door 22 that closes one of the front or back openings of the covers. Thus, Brightman’s cover only has one opening, not two. The openings cannot match the shape of a back surface, since there is no back surface.

The Examiner asserts that Brightman teaches cover front and back openings having a height and width selected to telescopically slide over the back surface of the electronic device. As noted above, the device 10 has no back surface over which the covers could slide. At col. 4, lines 47-50, Brightman makes it clear that the bezels 20 have an edge portion that abut edges of the surface portion 40 “so that the enclosure 10 is held firmly in place when the cabinet is assembled.” This makes it clear that the parts are fixed together and cannot telescopically slide relative to one another.

The Examiner asserts that when the Brightman device 10 is supported on a horizontal surface and the cover 16 is positioned on the horizontal surface adjacent the electronic device back surface, the cover defines a chamber enclosed on the top and the sides by the cover,

Attorney Docket No: 4111-00300

Patent

enclosed on the front by the electronic device back surface and enclosed on the bottom by the horizontal surface. The covers 12 and 16 of Brightman are not supported on the surface on which the enclosure 10 is supported. Instead, the covers 12 and 16 are connected to and supported by the enclosure 10 itself. At Col. 4, lines 64-67, Brightman teaches "that the bottoms of the bezels 20 are open to allow cable access to the front and rear of the enclosure 10 from the bottom of the cabinet." If the bezels 20 were supported on the same surface that the enclosure 10 is supported on, the bottom openings would be blocked by the surface and such cable access would not be possible. The entire cabinet structure of Brightman is supported on the feet 24.

The Examiner asserts that when the cable cover is positioned adjacent an electronic device and the electronic device and cable cover are supported on the same generally flat surface, the cable cover encloses at least three sides of a rectangular space closed on five sides. As noted above, Brightman does not teach a cover supported on a surface. To the extent that the covers of Brightman form a space, it is not enclosed on five sides, since the supporting surface does not enclose the bottom and the device 10 does not have a surface enclosing the side adjacent the device.

The Applicant submits that Brightman does not anticipate independent claims 1, 7, 15 and 19.

Claim 1 has been amended to expressly include what was inherently included in claim 1 as filed. For example, electronic devices are known to have cable connections on a back surface. The front and back openings of the cover are now expressly claimed as being opposed, although they would not properly be front and back openings if they were not opposed. Since the cover is not claimed as being attached to or supported by the electronic device, but as forming a chamber adjacent the back surface of the device, the relationships described in the *whereas* clause are inherent in the structure as originally claimed and are further restated in the new *whereby* clause. As a result, the Applicant believes that claim 1 is not anticipated by the Brightman reference for the reasons set forth below.

As to claim 1, Brightman does not teach apparatus forming a chamber adjacent a back surface of an electronic device having connections for cables, because Brightman teaches only a housing that is open on its back and has no back surface, and therefore cannot have a surface

Attorney Docket No: 4111-00300

Patent

having cable connections. Brightman does not teach a cover having top and vertical sides that define opposed front and back openings. Brightman does not teach that the cover when supported on the same horizontal surface as the electronic device, defines a chamber enclosed on the front by the electronic device back surface, because it has no such surface, and on the bottom by the horizontal surface, because in Brightman, the alleged cover is not supported on a horizontal surface.

Claim 7 as filed was limited to a cover comprising one piece, i.e. it was limited to a single element. Claim 7 has been amended to provide that when the cable cover is positioned adjacent an electronic device and both are supported on the same surface, the cover enclosed three sides of a space that is closed on five sides and the back surface of the electronic device encloses one of those five sides.

As to claim 7, Brightman does not teach a one piece cover. Instead it is clear that multiple pieces are required to make the alleged cover of Brightman, including a door. Brightman does not teach apparatus forming a chamber adjacent a back surface of an electronic device, because Brightman teaches only a housing that is open on its back and has no back surface, and therefore cannot have a back surface. Brightman does not teach that the cover when supported on the same horizontal surface as the electronic device, defines a chamber enclosed on the front by the electronic device back surface, because it has no such surface, and on the bottom by the horizontal surface, because in Brightman, the alleged cover is not supported on a horizontal surface.

As to claims 15 and 19, Brightman does not teach making a cover from a single sheet of material, does not teach positioning the cover on the same horizontal surface as the electronic device, and does not teach manually bending the sheet to form the cover.

The meaning of manual bending is clearly described in the present disclosure in paragraphs 37 and 38 and Figs. 5, 6 and 7. As described therein, the cover is formed by use of human hands and muscle with or without simple tools such as a hard cover book or block of wood to bend a sheet of metal over the edge of a table or other square corner to form right angle bends in the sheet of metal. As noted in Par. 38, if the bend is not exactly 90 degrees, the bend

Attorney Docket No: 4111-00300

Patent

may be adjusted by hand. No machine tools, as that terms is commonly understood, are used to form the cover.

The Applicant submits that independent claims 1, 7, 15 and 19 are allowable over the Brightman reference. Since claims 2-6, 9, 11, 17, and 18 each depend from one of claims 1, 7, 15 and 19, the Applicant submits that these dependent claims are also allowable.

Claims 12 and 13 were rejected under 35 U.S.C. 102(b) as being anticipated by Jedziniak US Pat. 4,624,510. The Applicant disagrees with a number of assertions made by the Examiner concerning the teachings of Jedziniak and will address these.

The Examiner asserts that Jedziniak teaches an electronic device 110, Fig. 10, comprising a generally rectangular housing 111 and 112, having a top, bottom, front, back and two sides, having connections for cables on the back, Fig. 15 and a one piece cable cover 131. The item 110 of Jedziniak is a shelving system for providing secure storage of electronic devices, see the Abstract. The item 110 is not an electronic device. In Fig. 10 the item 110 is shown storing electronic devices comprising a disk drive DD and a keyboard KB. The shelving parts 111 and 112 do not have a back surface other than the back cover 131, see col. 4, line 43. Due to the illustrated shape of the back cover 131, it could not be made as one piece. Fig. 15 does not show cables on the back. Instead Fig. 15 is a cross sectional view taken in the direction 15-15 shown in Fig. 13. The power distribution box 162 faces sideways inside the lower shelf 112 and is not on a back surface, which would have to be on the back 131 that the Examiner asserts is a cover to cover the cables.

The Examiner asserts that the element 131 is a cable cover that is slidably carried on the top and sides of the device housing and extendable from the back of the device housing. As noted above, the element 131 is in fact the back surface of the shelving unit 110. The element 131 is bolted to the back edges of shelves 111 and 112 and not slidably attached thereto. Since it is not slidably attached, it is not extendable from the back of the housing. Instead it is a fixed back surface.

The Examiner asserts that the alleged cable cover 131 has horizontal flanges extending under the bottom of the device housing. The bottom of the shelving unit is the plate 113. There is nothing in the drawings or specification of Jedziniak to suggest that any part of the back cover

Attorney Docket No: 4111-00300

Patent

131 extends under the plate 113. The back cover 131 is bolted to the back edges of shelves 111 and 112 and there is nothing to suggest that any part of the back cover 131 extends under any part of the shelves 111 and 112.

The Applicant submits that claim 12, as filed, is allowable in view of Jedziniak. Jedziniak does not teach a one piece cover, but would require several pieces to make the back cover 131. Jedziniak does not teach a cable cover that is slidably carried on an electronic device housing. Jedziniak does not teach a cable cover that is extendable from the back of the device housing. Since claim 13 depends from claim 12, the Applicant submits that claim 13 is also allowable.

Response to Rejections under Section 103

Claims 8, 10, 16-18 and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Brightman et al. US Patent 5,417,012 in view of Hoppal et al. US Patent 5,195,022. Since these claims all depend from claims that have been shown to be patentable above, the Applicant submits that these claims are also patentable.

Allowable Subject Matter

Claim 14 was indicated to be allowable if rewritten in independent form including all the limitations of the base claim and all intervening claims, i.e. claims 12 and 13. Since claims 12 and 13 have been shown to be patentable above, the Applicant submits that claim 14 should be allowable as a dependent claim.

New Dependent Claims

New claims 21 and 22, depending from claims 1 and 7 respectively, have been presented. These claims expressly claim the feature that the cover is not structurally attached to the electronic device. For example, paragraph 43 describes several ways in which a slidable cover may be adjusted to provide an enclosed chamber of a desired size behind an electronic device. Plastic pins 154 are illustrated in Fig. 10 as a means for holding a sliding cover 144 in a desired position. Alternatively magnetic strips, releasable adhesive strips or hook and look fasteners may be used to hold the cover in a desired position relative to the electronic device. However, it is clear that these releasable attachment means do not structurally support the cover, but only maintain relative position between the cover and electronic device when both are supported on

Attorney Docket No: 4111-00300

Patent

the same surface. So, while the cited prior art appears to focus on structurally attached "covers" where the attachment provides substantial and significant structural support for the "cover", while the claimed embodiments of the present invention addressed by these new claims are either not attached at all or, if attached, are attached in a non-structural matter where the attachment itself does not provide substantial structural support but instead is focused on providing relative positioning. For this reason Applicant submits that these claims are independently distinctive with respect to the prior art.

Conclusion

For these reasons, Applicant submits that the present claims as amended are in condition for allowance. Allowance of claims 1-9, and 12-22 is respectfully requested.

The Commissioner is hereby authorized to charge payment of any further fees associated with any of the foregoing papers submitted herewith, or to credit any overpayment thereof, to Deposit Account No. 50-1515, Conley Rose, P.C.

Applicant respectfully submits that the present application as amended is in condition for allowance. If the Examiner has any questions or comments or otherwise feels it would be helpful in expediting the application, he is encouraged to telephone the undersigned at (972) 731-2288.

Respectfully submitted,

Date: _____

3/4/2005

CONLEY ROSE, P.C.
5700 Granite Parkway, Suite 330
Plano, Texas 75024
(972) 731-2288
(972) 731-2289 (facsimile)



Michael W. Piper
Reg. No. 39,800

ATTORNEY FOR APPLICANT